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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,511	03/23/2004	Susumu Kato	15A 3538	2723

3713 7590 08/02/2006

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EXAMINER	
HOEY, ALISSA L	

ART UNIT	PAPER NUMBER
3765	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/806,511	KATO, SUSUMU	
	Examiner	Art Unit	
	Alissa L. Hoey	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2 and 4-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to amendment received on 05/19/06. Claim 1 has been amended, claim 3 has been cancelled and claims 5 and 6 have been newly added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaspar et al. (US 4,728,538) in view of Yamauchi (US 4,206,514).

In regard to claim 1, Kaspar teaches a sock (10) comprised of a sole covering portion and a foot top covering portion and provided on a surface of the sock a plurality of particle-form projections made out of an elastic composition material (figure 1). Further, Kaspar teaches the elastic composition material being mixed with a magnetic substance (column 4, lines 29-65).

However, Kaspar fails to teach the projections provided on the inside surface of the sock article.

Yamauchi teaches projections formed on the interior surface of a sock sole (figures 1 and 2).

In regard to claim 2, Kaspar teaches the elastic composition material is at least one selected from the group consisting of rubber and a soft synthetic resin (column 4, lines 29-41).

In regard to claim 4, Kaspar teaches the elastic composition material being mixed with a magnetic substance (column 4, lines 29-65).

However, Kaspar fails to teach the elastic projections also mixed with a microbicidal particle and a deodorant particle.

Yamuchi, teaches microbicidal and deodorant particles mixed with a resin binder to produce projections (column 2, lines 6-50).

In regard to claim 5, it would have been obvious to have provided the plurality of projections in substantially a dome shape 1 to 3 mm high and 2 to 5 mm in bottom diameter, spaced 2 to 5 mm apart from each other and 25 to 100 projections being provided per 25cm^(2) of area, because as long as the plurality of projections are located around the interior of the sole portion to provide for a sanitary footwear article that contacts the sole of the wearer the plurality of projections can be located in any arrangement, shape and thickness as desired for end use.

It would have been obvious to have provided the elastic projections of Kaspar with the metal particles of Yamuchi, since the elastic projections provided on the interior surface would not only provide antifungal and antimicrobial effects to the projections on the inner sole surface, but also projections that provide non-slip tendencies between the user's foot and sock article.

Response to Arguments

4. Applicant's arguments filed 05/19/06 have been fully considered but they are not persuasive.

I) Applicant argues that Kaspar et al. and Yamauchi fail to teach the user of magnetic substances.

Examiner notes that Kaspar et al. teaches zinc used in the elastic composition. Zinc is a metallic element and is therefore capable of being a magnetic substance. On page 3 of Applicant's specification it states that magnetic substances such as zinc oxide can be mixed with the elastic composition. Zinc mercaptobenxothiazol and Zinc dithiocarbamate are similar substances to zinc oxide and would therefore be a proper magnetic substance mixed with the elastic composition.

Conclusion

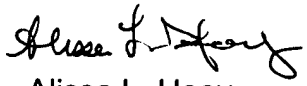
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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